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**United States District Court**

Eastern District of New York

MARVETTE JACKSON, LEANA MEJIA, ANGELINA CASTILLO, NAQUAISHA SEABERRY, TINA JACKSON, SAVIYA WILKERSON, ASHER CALLENDER, EZRA RENEAU, MERCHANT TRAPP, ZEZZA ANDERSON, JOSEPH GRIFFIN and D. [REDACTED]

T. [REDACTED] an infant over the age of 14 by his mother and natural guardian ROSIE CARRASQUILLO

Plaintiffs,

-against-

THE CITY OF NEW YORK, Police Commissioner RAYMOND KELLY, Police Capt. SCOTT HENDERSON, Dep. Insp. JOHN H. BAMBURY, and police officers LOUIS G. MORSELLI, EDWARD PASZEL, DILSON ABREU, MICHAEL McCREADY, JARED E. SANTANGELO, EDWIN LaPORTE, JOSEPH RISO, and "JOHN DOES ONE through TWELVE," names being fictitious, true names being unknown to plaintiffs, persons intended being supervisors and officers present at, and involved in, the arrest of plaintiffs,

Defendants,

**PRELIMINARY STATEMENT**

1. This is an action for monetary damages (compensatory only) against CITY OF NEW YORK (hereinafter CITY), and damages both compensatory and punitive against Police

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U.S. DISTRICT COURT E.D.N.Y.

★ JUN 22 2009 ★

BROOKLYN OFFICE

PLAINTIFFS DEMAND A TRIAL  
BY JURY

Civil Action No.

09-2715

COMPLAINT FOR DAMAGES-  
False Arrest; Malicious Prosecution;  
Assault; Battery  
42 U.S.C. 1981, 1983, 1985  
1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup> Amendments

JOHNSON, J.

GOLD, M.J.

Commissioner RAYMOND KELLY (hereinafter KELLY), Dep. Insp. JOHN H. BAMBURY (hereinafter BAMBURY), Police Capt. SCOTT HENDERSON (hereinafter HENDERSON), each sued herein both individually and as supervisory employees of defendant CITY, and against police officers LOUIS G. MORSELLI, EDWARD PASZEL, DILSON ABREU, MICHAEL McCREADY, JARED E. SANTANGELO, EDWIN LaPORTE, JOSEPH RISO, and "JOHN DOES ONE through TWELVE," (hereinafter "MORSELLI, PASZEL, ABREU, McCREADY, SANTANGELO, EDWIN LaPORTE, JOSEPH RISO, and DOES",) police officers of defendant CITY, the identities of the DOES and numbers of whom are presently unknown to plaintiffs, persons intended being the police officers and/or supervisors who participated in the arrest, detention and prosecution of plaintiffs, arising out of the false arrest, malicious prosecution, assault, battery, filing of false reports regarding, and false imprisonment of plaintiffs, MARVETTE JACKSON, LEANA MEJIA, ANGELINA CASTILLO, NAQUAISHA SEABERRY, TINA JACKSON, SAVIYA WILKERSON, ASHER CALLENDER, EZRA RENEAU, MERCHANT TRAPP, ZEZZA ANDERSON, JOSEPH GRIFFIN and [REDACTED] by his mother and natural guardian ROSIE CARRASQUILLO (referred to hereinafter respectively as "MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, CALLENDER, RENEAU, TRAPP, ANDERSON, GRIFFIN, [REDACTED] and CARRASQUILLO ").

2. On May 21, 2007 at approximately 1:00 p.m., defendant police officers MORSELLI, PASZEL, ABREU, McCREADY, SANTANGELO, LaPORTE, RISO, and DOE, true names being unknown to plaintiffs, persons intended being officers present at and involved in the arrest of the plaintiffs, acting, upon information and belief, upon the direct orders of KELLY, BAMBURY and HENDERSON, and under color of state laws, intentionally and wilfully

subjected plaintiffs to, inter alia, false arrest, false imprisonment, detention, filing of false reports, assault, battery, and malicious prosecution for acts of which plaintiffs were innocent.

### **JURISDICTION**

3. This action is brought pursuant to 28 U.S.C. Section 1331, 42 U.S.C. Sections 1981, 1983 and 1985, and the First, Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States. Pendent jurisdiction, pendent party jurisdiction and supplementary jurisdiction over plaintiff's state law claims is asserted.
4. Venue is laid within the United States District Court for the Eastern District of New York in that the defendant CITY is located within, and a substantial part of the events giving rise to the claim occurred within, the boundaries of the Eastern District of New York.

### **PARTIES**

5. The then-infant, female Plaintiffs, MARVETTE, SAVIYA, LEANA, ANGELINA, NAQUAISHA, and TINA at all times relevant hereto resided in the County of Kings in the City and State of New York.
6. Infant Plaintiff [REDACTED] and his mother and natural guardian Plaintiff CARRASQUILLO at all times relevant hereto resided in the County of Kings in the City and State of New York.
7. Plaintiffs, CALLENDER, RENEAU, TRAPP, ANDERSON and GRIFFIN at all times relevant hereto resided in the County of Kings in the City and State of New York.
8. Defendant CITY was at all times relevant hereto, a municipal corporation, and a subdivision of the State of New York, organized and existing pursuant to the Constitution and the laws of the State of New York.
9. The New York City Police Department was, at all times relevant hereto, an agency of defendant CITY.

10. The defendant supervisors and officers, KELLY, BAMBURY, HENDERSON, MORSELLI, PASZEL, ABREU, McCREADY, SANTANGELO, LaPORTE, RISO, and DOE, were, at all times relevant hereto, agents, servants and/or employees of Defendant CITY, duly appointed and acting as police officers and/or supervisors in the New York City Police Department, acting in the course and scope of their employment as such and in furtherance of the interests and business of their said employer.
11. Defendant KELLY is and was, at all times relevant hereto, the Police Commissioner, a supervisory employee of, and an agent, servant and/or employee of Defendant CITY, acting in the course and scope of his employment as such and in furtherance of the interests and business of his said employer, and otherwise performed and engaged in conduct incidental to the performance of his functions in the course of his duties. KELLY is sued individually and in his supervisory capacity.
12. Defendant BAMBURY was, at all times relevant hereto, the 83<sup>rd</sup> Precinct Commander, and was and is a supervisory employee of, and an agent, servant and/or employee of Defendant CITY, acting in the course and scope of his employment as such and in furtherance of the interests and business of his said employer, and otherwise performed and engaged in conduct incidental to the performance of his functions in the course of his duties. BAMBURY is sued individually and in his supervisory capacity.
13. Defendant HENDERSON is and was, at all times relevant hereto, a supervisory employee of, and an agent, servant and/or employee of Defendant CITY, acting in the course and scope of his employment as such and in furtherance of the interests and business of his said employer, and otherwise performed and engaged in conduct incidental to the performance of his functions in the course of his duties. HENDERSON is sued individually and in his

supervisory capacity.

14. Defendants MORSELLI, PASZEL, ABREU, McCREADY, SANTANGELO, LaPORTE, RISO, and DOE are and were, at all times relevant hereto, agents, servants and/or employees of Defendant CITY, acting in the course and scope of their employment as such and in furtherance of the interests and business of their said employer, and otherwise performed and engaged in conduct incidental to the performance of their functions in the course of their duties. MORSELLI, PASZEL, ABREU, McCREADY, SANTANGELO, LaPORTE, RISO, and DOE are sued individually.
15. At all times mentioned herein, the individual defendants were acting under color of state law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of Defendant CITY and the State of New York.
16. At all times mentioned herein , upon information and belief, the plaintiffs were and are citizens of the United States, and the State of New York.

#### **FACTUAL ALLEGATIONS**

17. On the afternoon of May 21, 2007, plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, CALLENDER, RENEAU, TRAPP, ANDERSON, GRIFFIN and [REDACTED] were lawfully walking on the street with companions in the vicinity of Putnam Avenue between Irving Avenue and Ridgewood Place, in the Bushwick section, in the Borough of Brooklyn, County of Kings, City and State of New York.
18. Defendants MORSELLI, PASZEL, ABREU, McCREADY, SANTANGELO, LaPORTE, RISO, and DOE, upon information and belief, upon the orders and at the direction of defendants KELLY, BAMBURY, and HENDERSON, speeding with lights and sirens in operation, in the company of helicopters and numerous other vehicles and officers of





defendant CITY, arrived at the scene "SWAT style", jumped out of their vehicles and without cause or justification, and with guns drawn, swarmed, grabbed and stopped plaintiffs CALLENDER, RENEAU, TRAPP, GRIFFIN, ANDERSON, and [REDACTED] forcefully, and forcefully caused them to be slammed, variously, against a gate, walls and/or into the sidewalk, causing them and each of them to fear for their lives and safety.

19. Plaintiffs CALLENDER, RENEAU, TRAPP, GRIFFIN, ANDERSON, and [REDACTED] were then searched. The search revealed no weapons, nor was there anything unlawful found in the possession of plaintiffs CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON.
20. Defendants, upon information and belief, upon the orders and at the direction of defendants KELLY, BAMBURY and HENDERSON, speeding with lights and sirens in operation, in the company of helicopters and numerous other vehicles and officers of defendant CITY, arrived at the scene "SWAT style", jumped out of their vehicles and without cause, or justification and with guns drawn, swarmed, grabbed and stopped then-infant females MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, and SAVIYA forcefully, causing them to fear for their lives and safety.
21. Plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, and SAVIYA were then asked if they possessed any weapons and were searched. The search revealed no weapons, nor was there anything unlawful found in the possession of plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, and SAVIYA.
22. One of the defendants then ordered the other defendants to put handcuffs on the plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] GRIFFIN, CALLENDER, RENEAU, TRAPP and ANDERSON, which was done, with unnecessary force.

23. Plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] GRIFFIN, CALLENDER, RENEAU, TRAPP and ANDERSON were then taken by defendants to the 83<sup>rd</sup> Precinct station house without defendants telling them why they were in custody or what the charges were against them.
24. Plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, and SAVIYA and infant plaintiff [REDACTED] were held by defendants handcuffed to pipes and other fixed objects at the precinct house for approximately three to six hours without being told by defendants why they were in custody and without being allowed by defendants to call their parents. They were forced to remain at the Precinct for hours before they were released, one, some or all of them with desk appearance tickets, charging violation of New York State Penal Law Section 240.20(5) Disorderly Conduct, and without an appropriate explanation.
25. Plaintiffs CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON, were held by defendants and placed in holding cells at the precinct house for about six hours, without being told by defendants why they were in custody, and were then transferred to the Central Booking facility where they continued to be held, for a total of up to about thirty-six hours.
26. The plaintiffs were not given any food, nor were they allowed to consume the food that their parents, at the suggestion of the defendants, their agents, servants and/or employees, and police officers, had purchased for their consumption.
27. Eventually, CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON were released from such confinement and detention. Thereafter CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON were forced to return to court on multiple occasions, over a period of about eighteen months, appearing in public, and before the public, as defendants, persons accused of criminal acts, acts of which the plaintiffs were not guilty.

28. The charges against each of the plaintiffs, MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON, were disposed of, in favor of each plaintiff by being dismissed, on a date prior to February 6, 2009.
29. On May 21, 2007 at about 1:15 p.m. in the County of Kings, in the City and State of New York, defendants maliciously, and with intent to injure plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON, and without just cause or any right to do so, handcuffed them and forcibly compelled them to go to the police station, subjected them to a search, imprisoned and detained them there, and restrained them of their liberty, against the will of the plaintiffs.
30. At no time did the plaintiffs offer resistance as the police officers, upon information and belief, assaulted and/or arrested them.
31. Without reasonable or just cause or suspicion, the agents, servants and/or employees of the CITY, including, but not limited to, defendants KELLY, BAMBURY, HENDERSON, MORSELLI, PASZEL, ABREU, McCREADY, SANTANGELO, LaPORTE, RISO, and DOEs did in fact wrongfully, unlawfully, unconstitutionally, knowingly and maliciously single out, harass, threaten, assault, and detain plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON against their will.
32. Upon information and belief, police officers defendants KELLY, BAMBURY, HENDERSON, MORSELLI, PASZEL, ABREU, McCREADY, SANTANGELO, LaPORTE, RISO, and DOEs, employees of defendant CITY, wrongfully and improperly

stopped, detained and arrested plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON in regard to crimes which had nothing to do with plaintiffs, or in fact, which they had no probable cause to believe had even been committed.

33. Upon information and belief, defendants KELLY, BAMBURY, HENDERSON, MORSELLI, PASZEL, ABREU, McCREADY, SANTANGELO, LaPORTE, RISO, and DOEs, employees of defendant CITY, with deliberate disregard for proper, lawful, appropriate, correct, and effective investigative behaviors and procedures, stopped, detained, and arrested plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON when it was not right, just, lawful, proper, or necessary to do so.

34. Upon information and belief, and without proof that plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON were in any way connected or related to a crime, or in fact, that any crime was, in fact, committed, and without reasonable suspicion to stop them, nor probable cause to detain or arrest them, defendant CITY's employees, including defendants MORSELLI, PASZEL, ABREU, McCREADY, SANTANGELO, LaPORTE, RISO, and DOEs, individually and acting in concert, and, upon information and belief, acting upon the orders of KELLY, BAMBURY, and HENDERSON, knowingly, unlawfully and wrongfully fabricated charges against the plaintiffs and set them forth in false and fabricated criminal complaints. Copies of some of the false and fraudulent complaints are annexed hereto as Exhibits, as follows: Exhibit A (2007KN038786, re: CALLENDER), Exhibit B (2007KN038780, re: TRAPP), Exhibit C (2007KN038774, re: RENEAU), Exhibit D

(2007KN038808-09, re: ANDERSON), Exhibit E (2007KN038780, re: GRIFFIN), as well as Summonses, Exhibit F (429756187-6, re: ANGELINA), Exhibit G (427541645-4, re: NAQUAISHA), and Exhibit H (425105709-0, re: LEANA) and are made a part hereof with the same force and effect as if they were fully set forth here at length. Plaintiffs do not possess any that are not attached here to.

35. The following officers, upon information and belief, acting in concert, pursuant to the orders of KELLY, BAMBURY, and HENDERSON, and as a part of a conspiracy to violate the constitutional and legal rights of the following plaintiffs, are individually responsible to each of the following plaintiffs for directly executing and filing false and fraudulent documents against them as elsewhere herein alleged:

- PASZEL - filed false and fraudulent documents against TRAPP and GRIFFIN;
- ABREU- filed false and fraudulent documents against CALLENDER;
- RISO - filed false and fraudulent documents against RENEAU;
- LaPORTE - filed false and fraudulent documents against ANDERSON;
- DOEs - filed false and fraudulent documents against MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, [REDACTED] and SAVIYA.

36. The criminal complaints, Exhibits A through E, were and are false and fraudulent in alleging that plaintiffs CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON committed PL 240.10 unlawful assembly, PL 240.20 (2)(3)(5) disorderly conduct and identified them as being "gang members" and alleging they "were engaged in gang activity," and in alleging the facts therein set forth alleged to constitute those charges.

37. The Desk Appearance Tickets, Exhibits F through H, were and are false and fraudulent in alleging that plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA,

[REDACTED] and SAVIYA. committed PL 240.20 (5) disorderly conduct and in alleging the facts therein set forth alleged to constitute those charges.

38. Based upon the false criminal complaints prepared, upon information and belief, by the CITY's employees, one John H. Wilson, a judge of the Criminal Court of the City of New York, County of Kings, arraigned plaintiffs CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON on the above charges, on or about May 22, 2007.
39. Based upon the false desk appearance tickets prepared, upon information and belief, by the CITY's employees, criminal proceedings were commenced against MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, [REDACTED] and SAVIYA before a judge of the Criminal Court of the City of New York, upon information and belief, at the Citywide Summons Part of that Court, in the City, County and State of New York.
40. On May 21, 2007, employees of defendant CITY, including MORSELLI, PASZEL, ABREU, McCREADY, SANTANGELO, LaPORTE, RISO, and DOEs, acting upon the orders of KELLY, BAMBURY, and HENDERSON and acting in concert, maliciously and with intent to injure plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, TORRES, CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON, and without just cause or any right to do so, assaulted them, battered them, cuffed them, jailed and detained them, and restrained them of their liberty, against the will of the plaintiffs. The arrest of the plaintiffs by defendants MORSELLI, PASZEL, ABREU, McCREADY, and SANTANGELO, LaPORTE, RISO, and DOEs, upon the orders of KELLY, BAMBURY, and HENDERSON, was perpetrated by them without a warrant or other legal process and without probable cause.
41. Defendants KELLY, BAMBURY, HENDERSON, MORSELLI, PASZEL, ABREU,

McCREADY, SANTANGELO, LaPORTE, RISO, and DOEs and defendant CITY acted maliciously and intentionally. Plaintiffs were thereupon and thereafter detained and restrained of their liberty and freedom, on account of the unlawful and wrongful acts of the defendants, and were confined in facilities of Defendant CITY.

42. On subsequent occasions and continuing to date, one, some or all of plaintiffs CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON individually and at various times, have been stalked, menaced, harassed, stopped, and threatened for no apparent reason, by police officers of defendant CITY, arising, upon information and belief, from the officers' awareness of the unlawfulness and wrongfulness of the events herein set forth, and their apprehension as to the possible consequences thereof, including the possibility of a lawsuit such as this one.
43. The arrest and detention of the plaintiffs were committed by the defendants without a warrant or other legal process and without probable cause.
44. As a direct and proximate result of the acts of the defendants, plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED], CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON suffered damages, including, but not limited to, physical injury, embarrassment, humiliation, loss of liberty, loss of property, psychological injury, pain, suffering, emotional distress, anxiety, mental anguish, and fear.

#### **FIRST COUNT**

**(42 U.S.C. SECTIONS 1981, 1983 and 1985 AGAINST INDIVIDUAL DEFENDANTS)**

45. Paragraphs 1 through 44 are incorporated herein by reference.
46. Defendants KELLY, BAMBURY, HENDERSON, MORSELLI, PASZEL, ABREU, McCREADY, SANTANGELO, LaPORTE, RISO, and DOEs, acting individually, in

concert, and under the color of state law, and based on racial motivations, have deprived plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON of their civil, constitutional and statutory rights and have conspired to deprive them of such rights and are liable to plaintiffs under 42 U.S.C. Sections 1981, 1983 and 1985.

47. As a result, plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON claim damages for the injuries set forth above.

**SECOND COUNT**  
**(ASSAULT AGAINST INDIVIDUAL DEFENDANTS)**

48. Paragraphs 1 through 47 are incorporated herein by reference.
49. Upon approaching plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON and assaulting them and cuffing and arresting them, defendants MORSELLI, PASZEG, ABREU, Mc CREADY, SANTANGELO, LaPORTE, RISO, and DOEs, acting on the orders of KELLY, BAMBURY, and HENDERSON, and acting individually and in concert, made plaintiffs fear for their physical well-being and safety and placed them in apprehension of immediate harmful and/or offensive touching.
50. As a result of that assault, plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON claim damages for the injuries set forth above.

**THIRD COUNT**  
**(BATTERY AGAINST INDIVIDUAL DEFENDANTS )**

51. Paragraphs 1 through 50 are incorporated herein by reference.

52. Defendants MORSELLI, PASZEL, ABREU, McCREADY, SANTANGELO, LaPORTE, RISO, and DOEs, acting on the orders of KELLY, BAMBURY, and HENDERSON, and acting individually and in concert, placed hands on plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED], CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON, dragged them and handcuffed them resulting in the physical, psychological and emotional injuries.
53. As a result of the battery, plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED], CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON claim damages for the injuries set forth above.

**FOURTH COUNT**  
**(MALICIOUS PROSECUTION AGAINST INDIVIDUAL DEFENDANTS)**

54. Paragraphs 1 through 53 are incorporated herein by reference.
55. The defendants, MORSELLI, PASZEL, ABREU, McCREADY, SANTANGELO, LaPORTE, RISO, and DOEs acting on the orders of KELLY, BAMBURY, and HENDERSON, and acting individually and in concert, knowingly, intentionally, and maliciously caused a false criminal accusatory instrument and/or desk appearance ticket to be filed against plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED], CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON.
56. As a result of the malicious prosecution implemented by defendants KELLY, BAMBURY, HENDERSON, MORSELLI, PASZEL, ABREU, McCREADY, SANTANGELO, LaPORTE, RISO, and DOEs, plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED], CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON claim damages for the injuries set forth above.

**FIFTH COUNT**  
**(FALSE ARREST & IMPRISONMENT AGAINST INDIVIDUAL DEFENDANTS)**

57. Paragraphs 1 through 56 are incorporated herein by reference.
58. Defendants MORSELLI, PASZEL, ABREU, McCREADY, SANTANGELO, LaPORTE, RISO, and DOEs, acting individually, in concert, and on the orders of KELLY, BAMBURY, and HENDERSON, subjected plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] RENEAU, TRAPP, GRIFFIN and ANDERSON to false arrest, imprisonment, and deprivation of liberty without probable cause.
59. As a result of the false arrest, imprisonment, and deprivation of liberty, plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] RENEAU, TRAPP, GRIFFIN and ANDERSON claim damages for the injuries set forth above.

**SIXTH COUNT**  
**(MUNICIPAL LIABILITY AGAINST DEFENDANT - *RESPONDEAT SUPERIOR*)**

60. Paragraphs 1 through 59 are incorporated herein by reference.
61. Defendants CITY, KELLY, BAMBURY, and HENDERSON are liable for the damages suffered by the plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] RENEAU, TRAPP, GRIFFIN and ANDERSON as a result of the conduct of their agents, servants and employees, under the doctrine of *respondeat superior*.
62. Defendant CITY, by its agents, servants and employees, subjected plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON to false arrest, assault, battery, false imprisonment, malicious prosecution, embarrassment, shame and public humiliation.
63. As a result plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA,

██████████ CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON claim damages against defendants CITY, KELLY, BAMBURY, and HENDERSON for the injuries set forth above.

**SEVENTH COUNT**  
**(MUNICIPAL LIABILITY AGAINST DEFENDANT 42 U.S.C. SECTION 1983)**

64. Paragraphs 1 through 63 are incorporated herein by reference.
65. Defendants CITY, KELLY, BAMBURY, and HENDERSON knew or should have known of their employees', agents', or servants' propensity to engage in the illegal and wrongful acts detailed above.
66. Prior to May 21, 2007, defendants CITY, KELLY, BAMBURY, and HENDERSON developed and maintained de facto and/or de jure, policies, practices, and/or customs exhibiting deliberate indifference to the constitutional rights of persons in the City of New York, which policies, practices and/or customs were a direct and proximate cause of the violation of the Civil Rights of plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, ██████████ CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON, by the unconstitutional conduct of defendants MORSELLI, PASZEL, ABREU, McCREADY, SANTANGELO, LaPORTE, RISO, and DOEs.
67. Upon information and belief, it was the policy and/or custom of defendants CITY, KELLY, BAMBURY, and HENDERSON to improperly and inadequately investigate citizen complaints of police misconduct, and acts of misconduct were instead tolerated by defendants, including, but not limited to incidents where defendants MORSELLI, PASZEL, ABREU, McCREADY, SANTANGELO, LaPORTE, RISO, and DOE and their supervisors have in the past falsely arrested individuals without probable cause, improperly held and/or

detained such individuals without probable cause, and made, and allowed other fellow police officers and others of its employees to make, false entries in official police department records, and to issue false and fraudulent criminal complaints and accusatory instruments, to cover up and hide their wrongful conduct.

68. It was the policy and/or custom of defendants CITY, KELLY, BAMBURY, and HENDERSON to fail to take the steps to discipline, train, supervise or otherwise correct the improper, illegal conduct of the individual defendants in this and in similar cases involving misconduct, thereby failing to adequately discourage further constitutional violations on the part of its police officers. They did not require appropriate in-service training or re-training of officers who were known to have engaged in police misconduct.
69. These policies, practices and customs include, inter alia: the failure to properly screen, supervise, discipline, transfer, counsel, or otherwise control police officers engaged in improper and unlawful searches and seizures, assault, battery, false imprisonment, malicious prosecution and racial bias, particularly those who are repeatedly accused of such acts; the police code of silence wherein police officers regularly cover up improper and unlawful searches and seizures, assault, battery, false imprisonment, malicious prosecution and racial bias, by telling false and incomplete stories, inter alia, in testimony, official reports, and in public statements, all of which are designed to cover for and/or falsely exonerate the accused police officers.
70. On information and belief, defendant CITY and its police department, the New York City Police Department, failed to effectively screen, hire, train, supervise and discipline its police officers, including the defendant police officers herein, for their propensity for unlawful searches and seizures, assault, battery, false imprisonment, malicious prosecution, for racial

bias, particularly with respect to the treatment of African Americans, persons of Hispanic descent, and/or children, lack of truthfulness, and for its failure to protect citizens from unconstitutional conduct of other police officers, thereby permitting and allowing the defendant police officers herein to be in a position to unlawfully search and seize, assault, batter, falsely imprison, and maliciously prosecute citizens, including the plaintiffs, and/or excessively restrain them and to otherwise cause them injury and violate their federal and state constitutional rights, or to permit these actions to take place with their knowledge or consent.

71. On information and belief, the defendant police officers herein have been the subject of prior civilian and departmental complaints of misconduct that put, or should have put, the defendant CITY and its police department, the New York City Police Department, on notice that the defendant police officers herein were likely to engage in conduct that would violate the civil and constitutional rights of the public, such as the conduct complained of by the plaintiff herein.
72. On information and belief, the defendant CITY failed to put into place and otherwise maintained an inadequate structure for risk containment and stress management relative to its police officers. Inter alia, the structure was deficient at the time of pre-selection and selection to evaluation and exchange within the command structure about the performance of individual police officers; to the training of supervisory personnel to effectively and adequately evaluate performance of an officer; and to otherwise put the command structure on notice that an individual or individuals were at significant levels of risk to the public at large or to specific segments thereof. The net effect of this was to permit police officers of the City of New York Police Department, to function at levels of significant and substantial

risk to the public in general and to the minority community in particular.

73. As a result of the above described policies and/or customs, police officers of the CITY, subordinates of KELLY, BAMBURY, and HENDERSON, believed that their actions would not be properly monitored by supervisory officers and that misconduct would not be investigated or sanctioned, but would be tolerated.
74. As a result of the foregoing conscious policies, practices, customs or usages, defendant CITY and its police department, the City of New York Police Department, has permitted and allowed for the employment and retention of individuals whose individual circumstances place the public or segments thereof at substantial risk of being the victims of unlawful, humiliating or racially motivated behavior. Such policies, practices, customs or usages are a direct and proximate cause of the conduct alleged herein and otherwise a direct and proximate cause of the injuries to the plaintiff herein.
75. The above policies and/or customs demonstrated a deliberate indifference on the part of policymakers of the CITY of New York to the constitutional rights of persons within the CITY of New York, and were the cause of the violations of plaintiffs' rights alleged herein.
76. As a result of the wrongful, policies, practices, customs or usages, and the deliberately indifferent and illegal acts of defendants CITY, KELLY, BAMBURY, and HENDERSON, plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON have suffered physical and emotional pain, mental anguish and suffering, humiliation and embarrassment and they claim damages against those defendants for the injuries set forth above.

**EIGHTH COUNT**  
(Negligence)

77. Plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED]

CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON incorporate by reference the allegations set forth in Paragraphs 1 through 76 as if fully set forth herein.

78. By the actions described above, each and all of the defendants, jointly and severally, have committed the following negligent and wrongful acts against plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON, which are tortious under the laws of the State of New York:
- a. Negligence in causing the injury and wrongful arrest and detention of plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON;
  - b. Negligent hiring, screening, supervision and training of defendant police officers and supervisors by defendants CITY, KELLY, BAMBURY, and HENDERSON and their police department, the City of New York Police Department;
  - c. Negligent causation of threat of imminent bodily harm to plaintiffs;
  - d. Negligent infliction of bodily harm to plaintiffs;
  - e. Negligent and/or intentional and/or reckless infliction of emotional distress against plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON;
  - f. Negligent violation of rights otherwise guaranteed to plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON under the laws and Constitution of the State of New York;
  - g. Negligent wrongful prosecution of plaintiffs MARVETTE, LEANA, ANGELINA,

NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON;

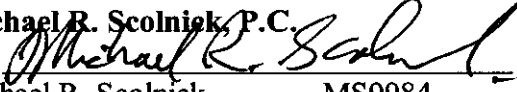
- h. Negligent action in concert by the defendants to commit all of the above acts.
79. The foregoing acts and conduct of the defendants were the direct and proximate cause of injury and damage to plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON and negligently violated their statutory and common law rights as guaranteed them by the laws and Constitution of the State of New York.
80. Plaintiffs MARVETTE, LEANA, ANGELINA, NAQUAISHA, TINA, SAVIYA, [REDACTED] CALLENDER, RENEAU, TRAPP, GRIFFIN and ANDERSON were damaged by defendants' foregoing acts and conduct which violated their statutory and common law rights as guaranteed them by the laws and Constitution of the State of New York.

**WHEREFORE**, plaintiffs demand judgment against the defendants, jointly and severally for compensatory damages on each Cause of Action; for punitive damages on each Cause of Action; awarding plaintiff reasonable attorney's fees, costs and disbursements of this action; and granting such other and further relief as this Court deems just and proper.

**JURY DEMAND**

Plaintiffs demand a trial by jury.

Dated: Blauvelt, New York  
June 19, 2009

Michael R. Scolnick, P.C.  
By:   
Michael R. Scolnick MS9984  
Attorneys for plaintiffs  
175 Burrows Lane,  
Blauvelt, New York 10913  
Phone: (845) 354-9339  
Fax: (845) 365-1506

CRIMINAL COURT OF THE CITY OF NEW YORK  
PART APAR COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

v

ASHER CALLENDER  
DAQUAWN WALKER

2007KN038786



STATE OF NEW YORK  
COUNTY OF KINGS

2007KN038787



ADA ALLISON AGEYEVA OF THE KINGS COUNTY DISTRICT ATTORNEY'S OFFICE SAYS THAT ON OR ABOUT MAY 21, 2007 AT APPROXIMATELY 01:10 PM AT PUTNAM AVENUE AND IRVING AVENUE COUNTY OF KINGS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

PL 240.10	UNLAWFUL ASSEMBLY
PL 240.20(2)	DISORDERLY CONDUCT
PL 240.20(3)	DISORDERLY CONDUCT
PL 240.20(5)	DISORDERLY CONDUCT

IN THAT THE DEFENDANT DID:

ASSEMBLE WITH FOUR OR MORE OTHER PERSONS FOR THE PURPOSE OF ENGAGING OR PREPARING TO ENGAGE WITH THEM IN TUMULTUOUS AND VIOLENT CONDUCT LIKELY TO CAUSE PUBLIC ALARM, OR, BEING PRESENT AT AN ASSEMBLY WHICH EITHER HAS OR DEVELOPS SUCH PURPOSE, REMAIN THERE WITH INTENT TO ADVANCE THAT PURPOSE; WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM, OR RECKLESSLY CREATING A RISK THEREOF, MAKE UNREASONABLE NOISE; WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM, OR RECKLESSLY CREATING A RISK THEREOF, IN A PUBLIC PLACE, USE ABUSIVE OR OBSCENE LANGUAGE, OR MAKE AN OBSCENE GESTURE; WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM, OR RECKLESSLY CREATING A RISK THEREOF, OBSTRUCT VEHICULAR OR PEDESTRIAN TRAFFIC.

THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S BELIEF ARE AS FOLLOWS:

DEPONENT IS INFORMED BY POLICE OFFICER DILSON ABREU SHIELD NO. 23409, OF 083 COMMAND THAT, AT THE ABOVE TIME AND PLACE, THE INFORMANT OBSERVED BOTH OF THE DEFENDANTS STANDING WITH APPROXIMATELY 18 APPREHENDED OTHERS, NAMELY EDWIN VALDEZ, ARREST NO. K07645836; EZRA RENEAU, ARREST NO. K07645835; ASHANTE CALLENDER, ARREST NO. K07645831; FELIX VASQUEZ, ARREST NO. K07645830; WILLIAM PROSPER, ARREST NO. K07645825; LEMEL CARTER, ARREST NO. K07645839; DANIEL WALKER, ARREST NO. K07645840; ALIEK ROBINSON, ARREST NO. K07645843; KENNETH FREDERICK, ARREST NO. K07645855; MALIK FARMER, ARREST NO. K07645850; OMAR ROSARIO, ARREST NO. K07645847; KUMAR SINGH, ARREST NO. K07645845; LUIS PACHECO, ARREST NO. K07645879; ZEZZA ANDERSON, ARREST NO. K07645872; REYNALDO VASQUEZ, ARREST NO. K07645867; MERCHANT TRAPP, ARREST NO. K07645849; JOSE RODRIGUEZ, ARREST NO. K07645856; JOSEPH GRIFFIN, ARREST NO. K07645861 AND APPROXIMATELY 9 APPREHENDED JUVENILES.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT APPROXIMATELY 7 OF THE ABOVE-MENTIONED APPREHENDED OTHERS WERE WEARING T-SHIRTS DEPICTING THE GANG NAME 'TEAM FRESH' AND 'PBF' AND THAT DEFENDANTS AND SAID APPREHENDED OTHERS WERE YELLING AND CURSING STATING IN SUM AND SUBSTANCE FUCK THE POLICE FUCK THE POLICE AND THAT DEFENDANTS AND SAID APPREHENDED OTHERS WERE CONGREGATED ON A SIDEWALK AT THE ABOVE MENTIONED TIME OBSTRUCTING PEDESTRIAN TRAFFIC CAUSING SEVERAL PEDESTRIANS TO HAVE TO WALK AROUND THE DEFENDANTS AND SAID APPREHENDED OTHERS BY CROSSING THE STREET TO GET BY AND THAT INFORMANT FURTHER OBSERVED SAID PEDESTRIANS TO APPEAR ALARMED AND ANNOYED AT DEFENDANTS AND SAID APPREHENDED OTHERS.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT INFORMANT OBSERVED THE DEFENDANTS ALSO OBSTRUCT VEHICULAR TRAFFIC IN THAT INFORMANT OBSERVED DEFENDANTS AND SAID APPREHENDED OTHERS STANDING IN THE MIDDLE OF THE STREET BLOCKING VEHICLES FROM DRIVING AT SAID LOCATION AND CAUSING SEVERAL MOTORISTS/VEHICLES TO HAVE TO GO AROUND DEFENDANTS AND SAID APPREHENDED OTHERS TO GET BY.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT INFORMANT HAS HAD TRAINING IN THE IDENTIFICATION OF GANG MEMBERS AND GANG ACTIVITY, HAS MADE PRIOR ARRESTS OF GANG MEMBERS, RECOGNIZES GANG MEMBERS, AND BASED UPON DEPONENTS TRAINING AND EXPERIENCE THE ABOVE MENTIONED DEFENDANTS AND SAID APPREHENDED OTHERS ARE GANG

5/22/2007 3:39:13 PM

Continued from Previous Page (P2) ASHER CALLENDER DAQUAWN WALKER

MEMBERS BELONGING TO 'TEAM FRESH' GANG AND 'PBF' GANG DIVISIONS OF THE BLOODS  
AND WERE ENGAGED IN GANG ACTIVITY.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE  
PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT  
TO SECTION 210.45 OF THE PENAL LAW.

5/22/07   
DATE SIGNATURE



CRIMINAL COURT OF THE CITY OF NEW YORK  
PART APAR COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

STATE OF NEW YORK  
COUNTY OF KINGS

V  
MERCHANT TRAPP  
JOSE RODRIGUEZ  
JOSEPH GRIFFIN

2007KN038780



ADA ALLISON AGEYEVA OF THE KINGS COUNTY DISTRICT ATTORNEY'S OFFICE SAYS THAT ON OR ABOUT MAY 21, 2007 AT APPROXIMATELY 01:10 PM AT PUTNAM AVENUE AND IRVING AVENUE COUNTY OF KINGS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

PL 240.10	UNLAWFUL ASSEMBLY
PL 240.20(2)	DISORDERLY CONDUCT
PL 240.20(3)	DISORDERLY CONDUCT
PL 240.20(5)	DISORDERLY CONDUCT

IN THAT THE DEFENDANT DID:

ASSEMBLE WITH FOUR OR MORE OTHER PERSONS FOR THE PURPOSE OF ENGAGING OR PREPARING TO ENGAGE WITH THEM IN TUMULTUOUS AND VIOLENT CONDUCT LIKELY TO CAUSE PUBLIC ALARM, OR, BEING PRESENT AT AN ASSEMBLY WHICH EITHER HAS OR DEVELOPS SUCH PURPOSE, REMAIN THERE WITH INTENT TO ADVANCE THAT PURPOSE; WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM, OR RECKLESSLY CREATING A RISK THEREOF, MAKE UNREASONABLE NOISE; WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM, OR RECKLESSLY CREATING A RISK THEREOF, IN A PUBLIC PLACE, USE ABUSIVE OR OBSCENE LANGUAGE, OR MAKE AN OBSCENE GESTURE; WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM, OR RECKLESSLY CREATING A RISK THEREOF, OBSTRUCT VEHICULAR OR PEDESTRIAN TRAFFIC.

THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S BELIEF ARE AS FOLLOWS:

DEPONENT IS INFORMED BY POLICE OFFICER EDWARD PASZEL SHIELD NO.11209, OF 083 COMMAND THAT, AT THE ABOVE TIME AND PLACE, THE INFORMANT OBSERVED ALL OF THE DEFENDANTS STANDING WITH APPROXIMATELY 17 APPREHENDED OTHERS, NAMELY EDWIN VALDEZ, ARREST NO. K07645836; EZRA RENEAU, ARREST NO. K07645835; ASHANTE CALLENDER, ARREST NO. K07645831; FELIX VASQUEZ, ARREST NO. K07645830; WILLIAM PROSPER, ARREST NO. K07645825; LEMEL CARTER, ARREST NO. K07645839; DANIEL WALKER, ARREST NO. K07645840; ALIEK ROBINSON, ARREST NO. K07645843; KENNETH FREDERICK, ARREST NO. K07645855; MALIK FARMER, ARREST NO. K07645850; OMAR ROSARIO, ARREST NO. K07645847; KUMAR SINGH, ARREST NO. K07645845; LUIS PACHECO, ARREST NO. K07645879; ZEZZA ANDERSON, ARREST NO. K07645872; REYNALDO VASQUEZ, ARREST NO. K07645867; DAQUAWN WALKER, ARREST NO. K07645900; ASHER CALLENDER, ARREST NO. K07645894 AND APPROXIMATELY 9 APPREHENDED JUVENILES.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT MERCHANT TRAPP AND APPROXIMATELY 6 OF THE ABOVE-MENTIONED APPREHENDED OTHERS WERE WEARING T-SHIRTS DEPICTING THE GANG NAME 'TEAM FRESH' AND 'PBF' AND THAT DEFENDANTS AND SAID APPREHENDED OTHERS WERE YELLING AND CURSING STATING IN SUM AND SUBSTANCE FUCK THE POLICE FUCK THE POLICE AND THAT DEFENDANTS AND SAID APPREHENDED OTHERS WERE CONGREGATED ON A SIDEWALK AT THE ABOVE MENTIONED TIME OBSTRUCTING PEDESTRIAN TRAFFIC CAUSING SEVERAL PEDESTRIANS TO HAVE TO WALK AROUND THE DEFENDANTS AND SAID APPREHENDED OTHERS BY CROSSING THE STREET TO GET BY AND THAT INFORMANT FURTHER OBSERVED SAID PEDESTRIANS TO APPEAR ALARMED AND ANNOYED AT DEFENDANTS AND SAID APPREHENDED OTHERS.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT INFORMANT OBSERVED THE DEFENDANTS ALSO OBSTRUCT VEHICULAR TRAFFIC IN THAT INFORMANT OBSERVED DEFENDANTS AND SAID APPREHENDED OTHERS STANDING IN THE MIDDLE OF THE STREET BLOCKING VEHICLES FROM DRIVING AT SAID LOCATION AND CAUSING SEVERAL MOTORISTS/VEHICLES TO HAVE TO GO AROUND DEFENDANTS AND SAID APPREHENDED OTHERS TO GET BY.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT INFORMANT HAS HAD TRAINING IN THE IDENTIFICATION OF GANG MEMBERS AND GANG ACTIVITY, HAS MADE PRIOR ARRESTS OF GANG MEMBERS, RECOGNIZES GANG MEMBERS, AND BASED UPON DEPONENTS TRAINING AND EXPERIENCE THE ABOVE MENTIONED DEFENDANTS AND SAID APPREHENDED OTHERS ARE GANG

5/22/2007 3:42:22 PM

Continued from Previous Page (P2) MERCHANT TRAPP JOSE RODRIGUEZ JOSEPH GRIFFI  
N

MEMBERS BELONGING TO 'TEAM FRESH' GANG AND 'PBF' GANG DIVISIONS OF THE BLOODS AND  
WERE ENGAGED IN GANG ACTIVITY.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE  
PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT  
TO SECTION 210.45 OF THE PENAL LAW.

5/22/07

DATE

Allen Hagg

SIGNATURE

Q

CRIMINAL COURT OF THE CITY OF NEW YORK  
PART APAR COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

STATE OF NEW YORK  
COUNTY OF KINGS

✓  
EZRA RENEAU  
LEMELE CARTER  
ALIEK ROBINSON ✓

2007KN038774



ADA KENNETH F. SMITH OF THE KINGS COUNTY DISTRICT ATTORNEY'S OFFICE SAYS THAT ON OR ABOUT MAY 21, 2007 AT APPROXIMATELY 01:20 PM AT PUTNAM AVENUE & IRVING AVENUE COUNTY OF KINGS, STATE OF NEW YORK,

THE DEFENDANTS COMMITTED THE OFFENSE(S) OF:

PL 240.10	UNLAWFUL ASSEMBLY
PL 240.20(2)	DISORDERLY CONDUCT
PL 240.20(3)	DISORDERLY CONDUCT
PL 240.20(5)	DISORDERLY CONDUCT

IN THAT THE DEFENDANTS DID:

ASSEMBLE WITH FOUR OR MORE OTHER PERSONS FOR THE PURPOSE OF ENGAGING OR PREPARING TO ENGAGE WITH THEM IN TUMULTUOUS AND VIOLENT CONDUCT LIKELY TO CAUSE PUBLIC ALARM, OR, BEING PRESENT AT AN ASSEMBLY WHICH EITHER HAS OR DEVELOPS SUCH PURPOSE, REMAIN THERE WITH INTENT TO ADVANCE THAT PURPOSE; WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM, OR RECKLESSLY CREATING A RISK THEREOF, MAKE UNREASONABLE NOISE; WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM, OR RECKLESSLY CREATING A RISK THEREOF, IN A PUBLIC PLACE, USE ABUSIVE OR OBSCENE LANGUAGE, OR MAKE AN OBSCENE GESTURE; WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM, OR RECKLESSLY CREATING A RISK THEREOF, OBSTRUCT VEHICULAR OR PEDESTRIAN TRAFFIC.

THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S BELIEF ARE AS FOLLOWS:

DEPONENT IS INFORMED BY POLICE OFFICER JOSEPH RISO, SHIELD NO. 30085, OF THE 083 COMMAND, THAT, AT THE ABOVE TIME AND PLACE, INFORMANT OBSERVED THE THREE DEFENDANTS STANDING WITH APPROXIMATELY 17 APPREHENDED OTHERS, NAMELY EDWIN VALDEZ, (ARREST NO. K07645836); ASHANTE CALLENDER, (ARREST NO. K07645831); FELIX VASQUEZ, (ARREST NO. K07645830); WILLIAM PROSPER, (ARREST NO. K07645825); DANIEL WALKER, (ARREST NO. K07645840); KENNETH FREDERICK, (ARREST NO. K07645855); MALIK FARMER, (ARREST NO. K07645850); OMAR ROSARIO, (ARREST NO. K07645847); KUMAR SINGH, (ARREST NO. K07645845); LUIS PACHECO, (ARREST NO. K07645879); ZEZZA ANDERSON, (ARREST NO. K07645872); REYNALDO VASQUEZ, (ARREST NO. K07645867); DAQUAWN WALKER, (ARREST NO. K07645900); ASHER CALLENDER, (ARREST NO. K07645894); MERCHANT TRAPP (ARREST NO. K07645849); JOSE RODRIGUEZ, (ARREST NO. K07645856); JOSEPH GRIFFIN, (ARREST NO. K07645861), AND APPROXIMATELY 9 APPREHENDED JUVENILES.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT DEFENDANT LAMEL CARTER AND APPROXIMATELY SIX OF THE ABOVE-MENTIONED APPREHENDED OTHERS WERE WEARING T-SHIRTS DEPICTING THE GANG NAME 'TEAM FRESH' AND 'PBF' AND THAT DEFENDANTS AND SAID APPREHENDED OTHERS WERE YELLING AND CURSING, STATING IN SUM AND SUBSTANCE "FUCK THE POLICE", AND THAT DEFENDANTS AND SAID APPREHENDED OTHERS WERE CONGREGATED ON A SIDEWALK AT THE ABOVE MENTIONED TIME, OBSTRUCTING PEDESTRIAN TRAFFIC, CAUSING SEVERAL PEDESTRIANS TO HAVE TO WALK AROUND THE DEFENDANTS AND SAID APPREHENDED OTHERS BY CROSSING THE STREET TO GET BY, AND THAT INFORMANT FURTHER OBSERVED SAID PEDESTRIANS TO APPEAR ALARMED AND ANNOYED AT DEFENDANTS AND SAID APPREHENDED OTHERS.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT INFORMANT OBSERVED THE DEFENDANTS ALSO OBSTRUCT VEHICULAR TRAFFIC IN THAT INFORMANT OBSERVED DEFENDANTS AND SAID APPREHENDED OTHERS STANDING IN THE MIDDLE OF THE STREET BLOCKING VEHICLES FROM DRIVING AT SAID LOCATION AND FORCING SEVERAL MOTORISTS AND VEHICLES TO GO AROUND DEFENDANTS AND SAID APPREHENDED OTHERS TO PASS BY.

5/22/2007 3:41:33 PM

Continued from Previous Page (P2) EZRA RENEAU LEMEL CARTER ALIEK ROBINSON

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT INFORMANT HAS HAD TRAINING IN THE IDENTIFICATION OF GANG MEMBERS AND GANG ACTIVITY, HAS MADE PRIOR ARRESTS OF GANG MEMBERS, RECOGNIZES GANG MEMBERS, AND BASED UPON INFORMANT'S TRAINING AND EXPERIENCE, THE ABOVE-MENTIONED DEFENDANTS AND SAID APPREHENDED OTHERS ARE GANG MEMBERS BELONGING TO THE 'TEAM FRESH' GANG AND 'PBF' GANG DIVISIONS OF THE BLOODS AND WERE ENGAGED IN GANG ACTIVITY AT THE ABOVE TIME AND PLACE.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE  
PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT  
TO SECTION 210.45 OF THE PENAL LAW.

5/22/07 Ken F.S.  
DATE SIGNATURE

CRIMINAL COURT OF THE CITY OF NEW YORK  
PART APAR COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

V

REYNALDO VASQUEZ  
ZEZZA ANDERSON ✓  
LUIS PACHECO

2007KN038808



2007KN038809<sup>RRK</sup><sub>GS</sub>



ASSISTANT DISTRICT ATTORNEY JAMIE BEGLEY OF THE KINGS COUNTY DISTRICT ATTORNEY'S OFFICE SAYS THAT ON OR ABOUT MAY 21, 2007 AT APPROXIMATELY 01:10 PM AT PUTNAM AVENUE AND IRVING AVENUE COUNTY OF KINGS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

PL 240.10	UNLAWFUL ASSEMBLY
PL 240.20(2)	DISORDERLY CONDUCT
PL 240.20(3)	DISORDERLY CONDUCT
PL 240.20(5)	DISORDERLY CONDUCT

IN THAT THE DEFENDANT DID:

ASSEMBLE WITH FOUR OR MORE OTHER PERSONS FOR THE PURPOSE OF ENGAGING OR PREPARING TO ENGAGE WITH THEM IN TUMULTUOUS AND VIOLENT CONDUCT LIKELY TO CAUSE PUBLIC ALARM, OR, BEING PRESENT AT AN ASSEMBLY WHICH EITHER HAS OR DEVELOPS SUCH PURPOSE, REMAIN THERE WITH INTENT TO ADVANCE THAT PURPOSE; WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM, OR RECKLESSLY CREATING A RISK THEREOF, MAKE UNREASONABLE NOISE; WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM, OR RECKLESSLY CREATING A RISK THEREOF, IN A PUBLIC PLACE, USE ABUSIVE OR OBSCENE LANGUAGE, OR MAKE AN OBSCENE GESTURE; WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM, OR RECKLESSLY CREATING A RISK THEREOF, OBSTRUCT VEHICULAR OR PEDESTRIAN TRAFFIC.

THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S BELIEF ARE AS FOLLOWS:

DEPONENT IS INFORMED BY POLICE OFFICER EDWIN LAPORTE THAT, AT THE ABOVE TIME AND PLACE, INFORMANT OBSERVED ALL OF THE DEFENDANTS STANDING WITH APPROXIMATELY 17 APPREHENDED OTHERS, NAMELY FELIX VASQUEZ, ARREST NO. K07645830; KUMAR SINGH, ARREST NO. K07645845; WILLIAM PROSPER, ARREST NO. K07645825; LEMEL CARTER, ARREST NO. K07645839; EZRA RENEAU, ARREST NO. K07645835; ALIEK ROBINSON, ARREST NO. K07645843; ASHANTE CALLENDER ARREST NO. K07645831; EDWIN VALDEZ, ARREST NO. K07645836; DANIEL WALKER, ARREST NO. K07645840; ASHER CALLENDER, ARREST NO. K07645894; DAQUAWZ WALKER, ARREST NO. K07645900; MERCHANT TRAPP, ARREST NO. K07645849; JOSE RODRIGUEZ, ARREST NO. K07645856; JOSEPH GRIFFIN, ARREST NO. K07645861; OMAR ROSARIO, ARREST NO. K07645847; KENNETH FREDRICK, ARREST NO. K07645855; MALIK FARMER, ARREST NO. K07645850 AND APPROXIMATELY 9 APPREHENDED JUVENILES.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT DEFENDANT ANDERSON AND DEFENDANT PACHECO AND APPROXIMATELY 5 OF THE ABOVE-MENTIONED APPREHENDED OTHERS WERE WEARING T-SHIRTS DEPICTING THE GANG NAME 'TEAM FRESH' AND 'PBF' AND THAT DEFENDANTS AND SAID APPREHENDED OTHERS WERE YELLING AND CURSING STATING IN SUM AND SUBSTANCE FUCK THE POLICE FUCK THE POLICE AND THAT DEFENDANTS AND SAID APPREHENDED OTHERS WERE CONGREGATED ON A SIDEWALK AT THE ABOVE MENTIONED TIME OBSTRUCTING PEDESTRIAN TRAFFIC CAUSING SEVERAL PEDESTRIANS TO HAVE TO WALK AROUND THE DEFENDANTS AND SAID APPREHENDED OTHERS BY CROSSING THE STREET TO GET BY AND THAT INFORMANT FURTHER OBSERVED SAID PEDESTRIANS TO APPEAR ALARMED AND ANNOYED AT DEFENDANTS AND SAID APPREHENDED OTHERS.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT INFORMANT OBSERVED THE DEFENDANTS ALSO OBSTRUCT VEHICULAR TRAFFIC IN THAT INFORMANT OBSERVED DEFENDANTS AND SAID APPREHENDED OTHERS STANDING IN THE MIDDLE OF THE STREET BLOCKING VEHICLES FROM DRIVING AT SAID LOCATION AND CAUSING SEVERAL MOTORISTS/VEHICLES TO HAVE TO GO AROUND DEFENDANTS AND SAID APPREHENDED OTHERS TO GET BY.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT INFORMANT HAS HAD TRAINING IN THE IDENTIFICATION OF GANG MEMBERS AND GANG ACTIVITY, HAS MADE PRIOR ARRESTS OF GANG MEMBERS, RECOGNIZES GANG MEMBERS, AND BASED UPON INFORMANT'S TRAINING AND EXPERIENCE THE ABOVE MENTIONED DEFENDANTS AND SAID APPREHENDED OTHERS ARE GANG

5/22/2007 3:52:12 PM

Continued from Previous Page (P2) REYNALDO VASQUEZ ZEZZA ANDERSON LUIS PACHEC  
O

MEMBERS BELONGING TO 'TEAM FRESH' GANG AND 'PBF' GANG DIVISIONS OF THE BLOODS AND  
WERE ENGAGED IN GANG ACTIVITY.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE  
PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT  
TO SECTION 210.45 OF THE PENAL LAW.

05/22/2007  
DATE

Jamie Begley  
SIGNATURE

(17)

5/22/2007 3:52:12 PM

SEVERAL TIMES BY CROSSING THE STREET TO GET BY AND THAT INFORMANT FURTHER OBSERVED SAID

CRIMINAL COURT OF THE CITY OF NEW YORK  
PART APAR COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

STATE OF NEW YORK  
COUNTY OF KINGS

V  
MERCHANT TRAPP  
JOSE RODRIGUEZ  
JOSEPH GRIFFIN

2007KN038780



ADA ALLISON AGEYEVA OF THE KINGS COUNTY DISTRICT ATTORNEY'S OFFICE SAYS THAT ON OR ABOUT MAY 21, 2007 AT APPROXIMATELY 01:10 PM AT PUTNAM AVENUE AND IRVING AVENUE COUNTY OF KINGS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

PL 240.10	UNLAWFUL ASSEMBLY
PL 240.20(2)	DISORDERLY CONDUCT
PL 240.20(3)	DISORDERLY CONDUCT
PL 240.20(5)	DISORDERLY CONDUCT

IN THAT THE DEFENDANT DID:

ASSEMBLE WITH FOUR OR MORE OTHER PERSONS FOR THE PURPOSE OF ENGAGING OR PREPARING TO ENGAGE WITH THEM IN TUMULTUOUS AND VIOLENT CONDUCT LIKELY TO CAUSE PUBLIC ALARM, OR, BEING PRESENT AT AN ASSEMBLY WHICH EITHER HAS OR DEVELOPS SUCH PURPOSE, REMAIN THERE WITH INTENT TO ADVANCE THAT PURPOSE; WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM, OR RECKLESSLY CREATING A RISK THEREOF, MAKE UNREASONABLE NOISE; WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM, OR RECKLESSLY CREATING A RISK THEREOF, IN A PUBLIC PLACE, USE ABUSIVE OR OBSCENE LANGUAGE, OR MAKE AN OBSCENE GESTURE; WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE OR ALARM, OR RECKLESSLY CREATING A RISK THEREOF, OBSTRUCT VEHICULAR OR PEDESTRIAN TRAFFIC.

THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S BELIEF ARE AS FOLLOWS:

DEPONENT IS INFORMED BY POLICE OFFICER EDWARD PASZEL SHIELD NO. 11209, OF 083 COMMAND THAT, AT THE ABOVE TIME AND PLACE, THE INFORMANT OBSERVED ALL OF THE DEFENDANTS STANDING WITH APPROXIMATELY 17 APPREHENDED OTHERS, NAMELY EDWIN VALDEZ, ARREST NO. K07645836; EZRA RENEAU, ARREST NO. K07645835; ASHANTE CALLENDER, ARREST NO. K07645831; FELIX VASQUEZ, ARREST NO. K07645830; WILLIAM PROSPER, ARREST NO. K07645825; LEMEL CARTER, ARREST NO. K07645839; DANIEL WALKER, ARREST NO. K07645840; ALIEK ROBINSON, ARREST NO. K07645843; KENNETH FREDERICK, ARREST NO. K07645855; MALIK FARMER, ARREST NO. K07645850; OMAR ROSARIO, ARREST NO. K07645847; KUMAR SINGH, ARREST NO. K07645845; LUIS PACHECO, ARREST NO. K07645879; ZEZZA ANDERSON, ARREST NO. K07645872; REYNALDO VASQUEZ, ARREST NO. K07645867; DAQUAWN WALKER, ARREST NO. K07645900; ASHER CALLENDER, ARREST NO. K07645894 AND APPROXIMATELY 9 APPREHENDED JUVENILES.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT MERCHANT TRAPP AND APPROXIMATELY 6 OF THE ABOVE-MENTIONED APPREHENDED OTHERS WERE WEARING T-SHIRTS DEPICTING THE GANG NAME 'TEAM FRESH' AND 'PBF' AND THAT DEFENDANTS AND SAID APPREHENDED OTHERS WERE YELLING AND CURSING STATING IN SUM AND SUBSTANCE FUCK THE POLICE FUCK THE POLICE AND THAT DEFENDANTS AND SAID APPREHENDED OTHERS WERE CONGREGATED ON A SIDEWALK AT THE ABOVE MENTIONED TIME OBSTRUCTING PEDESTRIAN TRAFFIC CAUSING SEVERAL PEDESTRIANS TO HAVE TO WALK AROUND THE DEFENDANTS AND SAID APPREHENDED OTHERS BY CROSSING THE STREET TO GET BY AND THAT INFORMANT FURTHER OBSERVED SAID PEDESTRIANS TO APPEAR ALARMED AND ANNOYED AT DEFENDANTS AND SAID APPREHENDED OTHERS.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT INFORMANT OBSERVED THE DEFENDANTS ALSO OBSTRUCT VEHICULAR TRAFFIC IN THAT INFORMANT OBSERVED DEFENDANTS AND SAID APPREHENDED OTHERS STANDING IN THE MIDDLE OF THE STREET BLOCKING VEHICLES FROM DRIVING AT SAID LOCATION AND CAUSING SEVERAL MOTORISTS/VEHICLES TO HAVE TO GO AROUND DEFENDANTS AND SAID APPREHENDED OTHERS TO GET BY.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT INFORMANT HAS HAD TRAINING IN THE IDENTIFICATION OF GANG MEMBERS AND GANG ACTIVITY, HAS MADE PRIOR ARRESTS OF GANG MEMBERS, RECOGNIZES GANG MEMBERS, AND BASED UPON DEPONENTS TRAINING AND EXPERIENCE THE ABOVE MENTIONED DEFENDANTS AND SAID APPREHENDED OTHERS ARE GANG

5/22/2007 3:42:22 PM

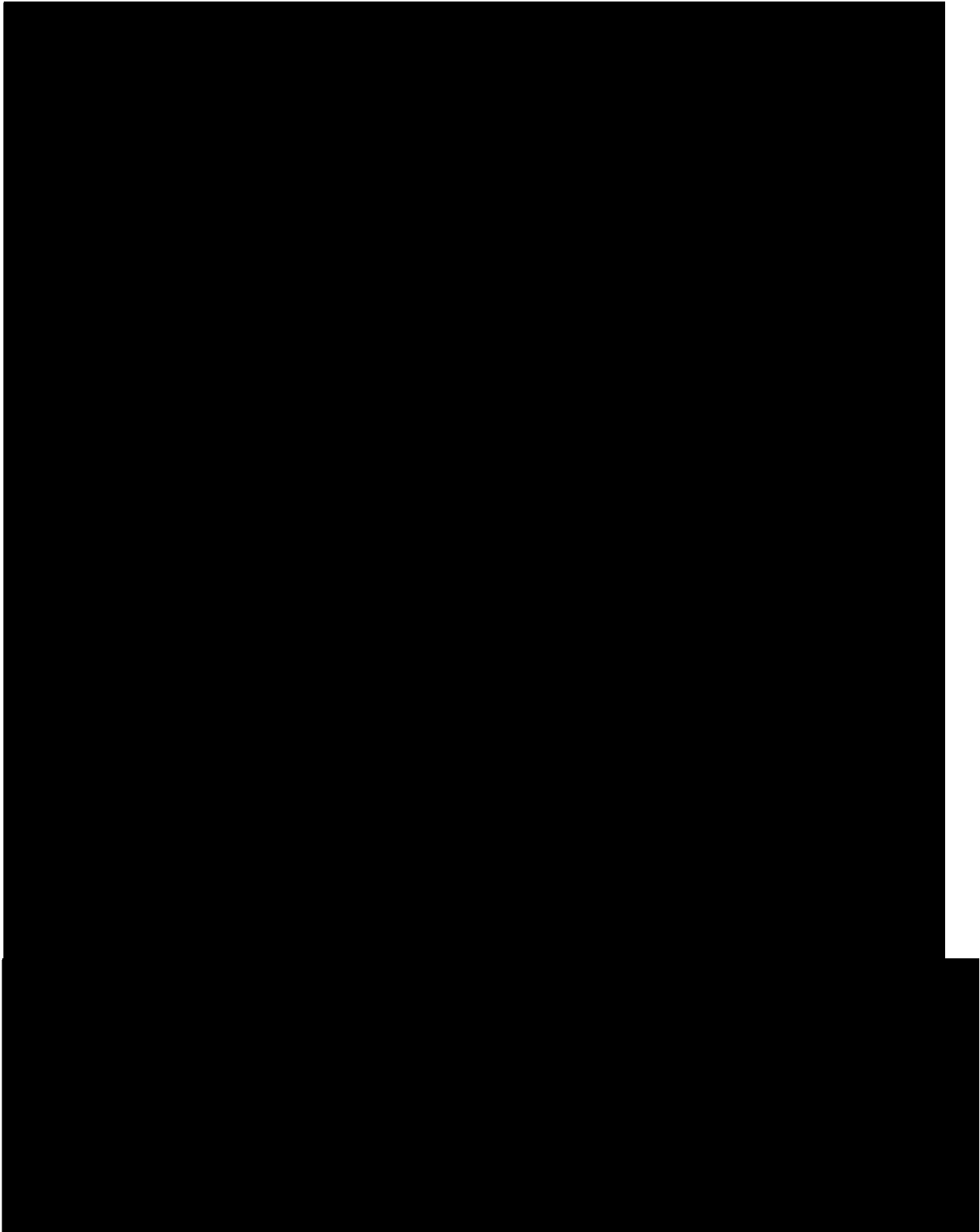
Continued from Previous Page (P2) MERCHANT TRAPP JOSE RODRIGUEZ JOSEPH GRIFFI  
N

MEMBERS BELONGING TO 'TEAM FRESH' GANG AND 'PBF' GANG DIVISIONS OF THE BLOODS AND  
WERE ENGAGED IN GANG ACTIVITY.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE  
PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT  
TO SECTION 210.45 OF THE PENAL LAW.

DATE

SIGNATURE





AA-500.2 (204)

UNIFORM

425105793-0

The People of The State of New York VS.

Supp/Rev Check ☐ Yes No ☐  
Moped/Exhibited License ☐ Yes No ☐

Last Name

First Name

M.I.

Street Address

Appt. No.

City

State Zip Code

ID Number

Date of Birth

Sex

Lic. State Lic. Class or ID Type

Date Expires

Operator Owns Vehicle ☐ Yes No ☐

Plate No.

OPERATOR AND/OR OWNER OF VEHICLE'S LICENSE

Reg. Expires

PAS	OWL	COAL	CHAL	Other	NY	CT	PA	NJ	Other	Reg. Expires
SEDM	SBN	VAN	TRUCK	WGV	OWE	Val. Yr.	Val. Color	Alternate Plate	State	

VIN No.

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

AM Time PM Date of Offense

County Precinct

Place of Occurrence

IN VIOLATION OF

VTL Traff. Adm. and Other

Set Sub

Description of Criminal Court Offense (Including Traffic Misdemeanor)

SPEEDING

DISCRET. TRAFF. COURT. DAY. UNUSUAL.

Unreg. Oper.

MPH In MPH Zone

☐ Sign☐ Pave☐ Mark☐ Signal

Veh.

Veh.

Com.

Bus

Haz. Mat.

The person described above is summoned to appear at criminal court.

Summons Fee County

Located at

Date of Appearance

day of

year

I personally observed the commission of the offense charged above. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law. Affirmed under penalty of perjury.

Rank/Full Signature of Complainant

Complainant's Full Name (printed)

Command Code

Agency/NCIC

Squad

Tax Registry No.

I acknowledge receipt of this summons. I understand it is my responsibility to read and comply with the instructions on my copy, and that my signature below is not an admission of guilt.

Name

Date

CRIMINAL COURT